



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/547,710	04/11/2000	Sam Johnson	9727.99239(12GO01.CIP)	4653

35856 7590 01/02/2004

LAVA GROUP LAW BY SMITH & FROHWEIN, LLC  
P.O. BOX 88148  
ATLANTA, GA 30356

EXAMINER
----------

VAUGHN JR, WILLIAM C

ART UNIT	PAPER NUMBER
----------	--------------

2143

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/547,710

Applicant(s)

JOHNSON ET AL.

Examiner

William C. Vaughn, Jr.

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-98 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-98 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This Action is in response to the Request for Reconsideration received on 14 October 2003.

#### *Response to Arguments*

2. Applicant's arguments, see paper 6, filed 14 October 2003, with respect to the request for reconsideration of the restriction requirement have been fully considered and are persuasive. The restriction of claims 1-98 has been withdrawn.

#### *Information Disclosure Statement*

3. The references listed in the Information Disclosure Statement submitted on 31 March 2000, have been considered by the examiner (see attached PTO-1449).
4. The application has been examined. **Claims 1-98** are pending. The objection(s) and rejection(s) cited are as stated below:

#### *Claim Rejections - 35 USC § 112*

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 3, 8 and 11-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claims 11-19, recites the limitation "information content". There is insufficient antecedent basis for this limitation in the claim. As well as this claims being unclear and vague as to the metes and bounds of information content.

Art Unit: 2143

- b. Regarding claims 3, 8, the recitation "Particular portion" is unclear and vague as to what a particular portion represents.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1-12, 17-20, 22, 23, 28-33, 35, 36, 42, 46-57, 80-82, 84, 85, 87-98** are rejected under 35 U.S.C. 102(b) as being anticipated by Logan et al. (Logan), U.S. Patent No. 5,732,216.

9. Regarding **claim 1**, Logan discloses *a closed loop system for delivering information obtained from an information content source to a playback device, comprising: a mobile-content server comprising: an information content source interface [see Logan, Col. 4, lines 40-54]; a playback device interface [see Logan, Col. 4, lines 40-67 and Col. 5, lines 1-62]; and a server application operating on the mobile-content server and enabling the mobile-content server to be operative to: receive user information [see Logan, Col. 5, lines 33-45]; obtain content programming information via the information content source interface, the content programming information being based at least in part on the user information [see Logan, Col. 7, lines 16-25]; deliver the content programming information to the playback device via the playback device interface [see Logan, Col. 7, lines 20-30]; and receive response information from the playback device via the playback device interface [see Logan, Col. 6, lines 6, lines 9-26, Col. 17, lines 42-61].* By this rationale **claim 1** is rejected.

Art Unit: 2143

10. Regarding **claim 2**, Logan discloses *wherein the response information includes a time-stamp* [see Logan, Col. 18, lines 17-21]. By this rationale **claim 2** is rejected.

11. Regarding **claim 3**, Logan discloses *wherein the response information is associated with a particular portion of the content programming information* (Logan teaches that the player identifies program segments desired by the subscriber, program segments newly requested by the user are appended to the compilation), [see Logan, Col. 6, lines 9-26 and Col. 17, lines 42-61]. By this rationale **claim 3** is rejected.

12. Regarding **claim 4**, Logan discloses *wherein the mobile-content server further comprises an advertising database for storing advertisement segments* [see Logan, item 135]. By this rationale **claim 4** is rejected.

13. Regarding **claim 5**, Logan discloses *wherein the mobile-content server is further operative to deliver selected advertisement segments to the playback device via the playback device interface* [see Logan, Col. 5, lines 45-62], *the selected advertisement segments being selected from the advertising database* [see Logan, Col. 16, lines 6-67]. By this rationale **claim 5** is rejected.

14. Regarding **claim 6**, Logan discloses *wherein the response information from the playback device is associated with a selected advertising segment* [see Logan, Col. 16, lines 6-67]. By this rationale **claim 6** is rejected.

15. Regarding **claim 7**, Logan discloses *wherein the mobile-content server selects the advertisement segments from the advertising database based, at least in part, on the user information* [see Logan, Col. 5, lines 33-45, Col. 16, lines 6-67 and Col. 17, lines 1-18]. By this rationale **claim 7** is rejected.

Art Unit: 2143

16. Regarding **claim 8**, Logan discloses *wherein the response information from the playback device is associated with a particular portion of the content programming information* (Logan teaches that the player identifies program segments desired by the subscriber, program segments newly requested by the user are appended to the compilation), [see Logan, Col. 6, lines 9-26 and Col. 17, lines 42-61]. By this rationale **claim 8** is rejected.

17. Regarding **claim 9**, Logan discloses *wherein user information comprises name, company, email address, shipping address, delivery address, and credit card information of the user* [see Logan, Col. 9, lines 27-42 and Col. 21, lines 6-30]. By this rationale **claim 9** is rejected.

18. Regarding **claim 10**, Logan discloses *wherein the user information comprises preference information comprising specific content request and content categories* [see Logan, Col. 4, lines 26-30, Col. 5, lines 32-45 and Col. 9, lines 28-41]. By this rationale **claim 10** is rejected.

19. Regarding **claim 11**, Logan discloses *wherein the playback device comprises: a memory storage unit* [see Logan, Col. 3, lines 22-40]; *an information content source interface* [see rejection of claim 1, supra]; *a mobile-content server interface* (Logan teaches that the host server stores and maintains a user data and usage log database which stores uploaded usage data received from the store in the player via the Internet pathway and the FTP server interface), [see Logan, Col. 5, lines 32-44], *(Examiner is utilizing Applicant's specification as a guide for interpreting the claims, (see page 11, lines 7-19 of Applicant's specification))*; *and a processing unit coupled to the memory storage unit* [see Logan, Col. 6, lines 20-60], *the information content source interface and the mobile-content server interface, the processing unit, in response to instructions stored in the memory storage unit, being operative to: enable the information content source interface in accordance with the content programming information; receive*

Art Unit: 2143

*information content from an information content source via the information content source interface; and store the information content into the memory storage unit* [see Logan, Col. 3, lines 23-41]. By this rationale **claim 11** is rejected.

20. Regarding **claim 12**, Logan discloses *wherein prior to storing the information content into the memory storage unit, the processing unit is operative to convert the information content into one or more content segments* [see Logan, Col. 5, lines 15-31]. By this rationale **claim 12** is rejected.

21. Regarding **claim 17**, Logan discloses *wherein the information content source interface is a cellular receiver* [see Logan, Col. 6, lines 26-65] *and the content programming information comprises a telephone number and a time-stamp, and the playback device is operative to enable the information content source interface by initiating a call to the telephone number at the time identified by the timestamp* [see Logan, Col. 7, lines 20-26]. By this rationale **claim 17** is rejected.

22. Regarding **claim 18**, Logan discloses *wherein the information content is received by the playback device in raw form* (Logan teaches receiving data in text (raw) being able to convert from text to speech), [see Logan, Col. 5, lines 15-31]. By this rationale **claim 18** is rejected.

23. Regarding **claim 19**, Logan discloses *wherein the information content is received by the playback device in content segment form* [see Logan, Col. 7, lines 20-30]. By this rationale **claim 19** is rejected.

24. Regarding **claim 20**, Logan discloses *wherein the playback device comprises: a memory storage unit; an information content source interface* [see rejection of claims 1 and 11, supra]; *a mobile-content server interface* [see rejection of claims 1 and 11, supra]; *an audio output* [see

Art Unit: 2143

Logan, Col. 3, lines 23-41]; *a processing unit coupled to the memory storage unit, the mobile - content server interface, the audio output and the information content source interface, the processing unit, in response to instructions stored in the memory storage unit, being operative to: enable the information content source interface in accordance with the content programming information; receive information content transmitted content from an information content source via the information content source interface; and provide the information content to the audio output* [see rejection of claims 1 and 11, supra]. By this rationale **claim 20** is rejected.

25. Regarding **claim 22**, Logan discloses *wherein the mobile-content server further comprises an advertising database for storing advertisement segments, the mobile-content server is further operative to deliver selected advertisement segments to the playback device via the playback device interface, the selected advertisement segments being selected from the advertising database* [see Logan, Col. 5, lines 33-45, Col. 16, lines 6-67 and Col. 17, lines 1-18], *and wherein the processing unit of the playback device, in conjunction to providing the information content to the audio output, is further operative to: convert the information content into one or more content segments* [see Logan, Col. 3, lines 35-40]; *and interleave the selected advertisement segments with the one or more content segments* [see Logan, Col. 4, lines 53-67 and Col. 5, lines 1-32]. By this rationale **claim 22** is rejected.

26. Regarding **claim 23**, Logan discloses *wherein the mobile-content server further comprises an advertising database for storing advertisement segments, the mobile-content server is further operative to deliver selected advertisement segments to the playback device via the playback device interface, the selected advertisement segments being selected from the advertising database* [see Logan, Col. 5, lines 33-45, Col. 16, lines 6-67 and Col. 17, lines 1-18],



Art Unit: 2143

*and wherein the processing unit of playback device, prior to providing the information content to the audio output, is further operative to: convert the information content into one or more content segments [see Logan, Col. 3, lines 35-40]; and interleave the selected advertisement segments with the one or more content segments [see Logan, Col. 4, lines 53-67 and Col. 5, lines 1-32].* By this rationale **claim 23** is rejected.

Regarding **claim 28**, Logan discloses *wherein the information content source interface is a cellular receiver [see Logan, Col. 6, lines 26-65] and the content programming information comprises a telephone number and a time-stamp, and the playback device is operative to enable the information content source interface by initiating a call to the telephone number at the time identified by the timestamp [see Logan, Col. 7, lines 20-26].* By this rationale **claim 28** is rejected.

Regarding **claim 29**, Logan discloses *wherein the information content is received by the playback device in raw form (Logan teaches receiving data in text (raw) being able to convert from text to speech), [see Logan, Col. 5, lines 15-31].* By this rationale **claim 29** is rejected.

Regarding **claim 30**, Logan discloses *wherein the information content is received by the playback device in content segment form [see Logan, Col. 7, lines 20-30].* By this rationale **claim 30** is rejected.

Regarding **claim 31**, Logan discloses *wherein the information content source interface is a cellular receiver [see Logan, Col. 6, lines 26-65] and the content programming information comprises a time-stamp, and the playback device is operative to enable the information content source interface by accepting an incoming call at the time identified by the time-stamp [see Logan, Col. 7, lines 20-26].* By this rationale **claim 31** is rejected.

Art Unit: 2143

Regarding **claim 32**, Logan discloses *wherein the information content is received by the playback device in raw form* (Logan teaches receiving data in text (raw) being able to convert from text to speech), [see Logan, Col. 5, lines 15-31]. By this rationale **claim 32** is rejected.

Regarding **claim 33**, Logan discloses *wherein the information content is received by the playback device in content segment form* [see Logan, Col. 7, lines 20-30]. By this rationale **claim 33** is rejected.

Regarding **claim 35**, Logan discloses *wherein the playback device interface and the mobile-content server interface are wireless interfaces* [see Logan, Col. 6, lines 36-64]. By this rationale **claim 35** is rejected.

Regarding **claim 36**, Logan discloses *wherein the playback device interface and the mobile-content server interface are cellular interfaces* [see Logan, Col. 6, lines 36-64, Col. 13, lines 64-67]. By this rationale **claim 36** is rejected.

27. Regarding **claim 42**, Logan discloses *a playback device comprising: a memory storage unit; an information content source interface; a mobile-content server interface; a processing unit coupled to the memory storage unit, the information content source interface and the mobile-content server interface, the processing unit, in response to instructions stored in the memory storage unit, being operative to: receive content programming information via the mobile content server interface; enable the information content source interface in accordance with the content programming information; receive information content from the information content source via the information content source interface; store the information content into the memory storage unit; and provide response information to the mobile-content server interface* [see rejection of claims 1, 11, and 20, supra]. By this rationale **claim 42** is rejected.

Art Unit: 2143

28. Regarding **claim 46**, Logan discloses *wherein the information content source interface is a cellular receiver* [see Logan, Col. 6, lines 36-65]. By this rationale **claim 46** is rejected.

29. Regarding **claim 47**, Logan discloses *wherein the information content is received by the playback device in raw form* (Logan teaches receiving data in text (raw) being able to convert from text to speech), [see Logan, Col. 5, lines 15-31]. By this rationale **claim 47** is rejected.

30. Regarding **claim 48**, Logan discloses *wherein the information content is received by the playback device in content segment form* [see Logan, Col. 7, lines 20-30]. By this rationale **claim 48** is rejected.

31. Regarding **claim 49**, Logan discloses *wherein the information content source interface is a cellular receiver and the content programming information comprises a telephone number and a time-stamp* [see Logan, Col. 6, lines 26-65], *and the playback device is operative to enable the information content source interface by initiating a call to the telephone number at the time identified by the time-stamp* [see Logan, Col. 7, lines 20-26]. By this rationale **claim 49** is rejected.

32. Regarding **claim 50**, Logan discloses *wherein the information content is received by the playback device in raw form* (Logan teaches receiving data in text (raw) being able to convert from text to speech), [see Logan, Col. 5, lines 15-31]. By this rationale **claim 50** is rejected.

33. Regarding **claim 51**, Logan discloses *wherein the information content is received by the playback device in content segment form* [see Logan, Col. 7, lines 20-30]. By this rationale **claim 51** is rejected.

34. Regarding claims 52-57, the limitations of this claim are substantially the same as that of claims 1-12 and thus are rejected for the same rationale in rejecting claims 1-12 above.

Art Unit: 2143

35. Regarding **claims 58-78** the limitations of these claims are substantially the same as that of claims 1-12, and thus are rejected for the same rationale in rejecting claims 1-12, above.

36. Regarding **claim 80-82, 85, 87, 88**, the limitations of this claim are substantially the same as that of claims 1-12 and thus are rejected for the same rationale in rejecting claims 1-12 above.

37. Regarding **claim 84**, Logan discloses *wherein the mobile-content server interface is an interface to a personal computer* [see Logan, Col. 3, lines 23-41 and Col. 4, lines 17-37]. By this rationale **claim 84** is rejected.

38. Regarding **claim 89**, Logan discloses *a playback device comprising: a memory storage unit* [see rejection of claims 1 and 20, supra]; *an information content source interface* [see rejection of claim 1, supra]; *a user interface* [see Logan, Col. 35, lines 47-55] *and a processing unit coupled to the memory storage unit, the user interface and the information content source interface, the processing unit, in response to instructions stored in the memory storage unit, being operative to: in response to instructions received via the user interface, enable the information content source interface; receive at least one selection menu via the information content source interface; receive a content selection via the user interface, the content selection being associated with at least one item on the at least one selection menu; provide an indicator of the content selection to the information content source interface; receive information content via the information content source interface, the information content being associated with the content selection; and store the information content into the memory storage unit* [see rejection of claims 1 and 20, supra]. By this rationale **claim 89** is rejected.

39. Regarding **claim 90**, Logan discloses *further comprising an audio interface* [see rejection of claims 1, 20, 89, supra] *and a response generator interface* [see rejection of claim 89, supra]

Art Unit: 2143

*and the processing unit is further operative to: read the information content from the memory storage unit; provide the information content to the audio interface; detect a response signal on the response generator interface; and associate the response signal with the information content currently being provided to the audio interface* [see Logan, Col. 15, lines 47-64]. By this rationale **claim 90** is rejected.

40. Regarding **claim 91**, Logan discloses *wherein the processing unit is further operative to provide the response signal to the information content source interface* [see Logan, Col. 15, lines 47-64]. By this rationale **claim 91** is rejected.

41. Regarding **claim 92**, Logan discloses *wherein the at least one selection menu is an audio menu and the processing unit provides the at least one selection menu to the audio interface* [see Logan, Col. 15, lines 46-64]. By this rationale **claim 92** is rejected.

42. Regarding **claim 93**, Logan discloses *wherein the user interface includes a display device, the at least one selection menu is a displayable menu and the processing unit provides the at least one selection menu to the display device* [see Logan, Col. 15, lines 46-64]. By this rationale **claim 93** is rejected.

43. Regarding **claim 94**, Logan discloses *a playback device comprising: a memory storage unit; an information content source interface* [see rejection of claim 1, supra]; *an audio interface* [see rejection of claims 1 and 20, supra]; *a user interface* [see rejection of claim 1, supra]; *and a processing unit coupled to the memory storage unit, the user interface, the audio interface and the information content source interface, the processing unit* [see rejection of claims 1 and 20, supra], *in response to instructions stored in the memory storage unit, being operative to: in response to instructions received via the user interface, enable the information content source*

Art Unit: 2143

*interface; receive at least one selection menu via the information content source interface; receive a content selection via the user interface, the content selection being associated with at least one item on the at least one selection menu; provide an indicator of the content selection to the information content source interface; receive information content via the information content source interface, the information content being associated with the content selection; and provide the information content to the audio interface [see rejection of claims 1 and 20, supra].*

By this rationale **claim 94** is rejected.

44. Regarding **claim 95**, Logan discloses *further comprising a response generator interface and the processing unit is further operative to: detect a response signal on the response generator interface; and associate the response signal with the information content currently being provided to the audio interface [see Logan, Col. 15, lines 47-64].* By this rationale **claim 95** is rejected.

45. Regarding **claim 96**, Logan discloses *wherein the processing unit is further operative to provide the response signal to the information content source interface [see rejection of claims 1, 20 and 94, supra].* By this rationale **claim 96** is rejected.

46. Regarding **claim 97**, Logan discloses *wherein the at least one selection menu is an audio menu and the processing unit provides the at least one selection menu to the audio interface [see Logan, Col. 15, lines 47-64].* By this rationale **claim 97** is rejected.

47. Regarding **claim 98**, Logan discloses *wherein the user interface includes a display device, the at least one selection menu is a displayable menu and the processing unit provides the at least one selection menu to the display device [see Logan, Col. 15, lines 46-64].* By this rationale **claim 98** is rejected.

Art Unit: 2143

*Claim Rejections - 35 USC § 103*

48. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

49. **Claims 13-16, 21, 24-27, 34, 39-41, 45, 79, 83 and 86** are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan in view of what was well known in the art (well known).

50. Regarding **claim 13**, Logan discloses the invention substantially as claimed. Logan discloses *wherein the mobile-content server further comprises an advertising database for storing advertisement segments, the mobile-content server is further operative to deliver selected advertisement segments to the playback device via the playback device interface, the selected advertisement segments being selected from the advertising database, and wherein the processing unit of playback device, prior to storing the information content into the memory storage unit, is further operative to: and interleave the selected advertisement segments with the one or more content segments* [see Logan, Col. 4, lines 53-67 and Col. 5, lines 1-32]. However, Logan does not explicitly disclose wherein the processing unit of the playback device converts the information content into one or more content segments. Even though, Logan does disclose the client platform doing the conversion, which requires less data to transmit from the server to the client. Therefore, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated the use of the server doing the conversion as

Art Unit: 2143

this would allow the playback device to do less processing and thus provide a faster conversion process. By this rationale **claim 13** is rejected.

51. Regarding **claim 14**, Logan-well known discloses the invention substantially as claimed. Logan-well known discloses *wherein the information content source interface is a tunable receiver* [see Logan, Col. 13, lines 48-54] *and the content programming information comprises an information content source identifier and a timestamp* (Logan teaches a program ID), [see Logan, Col. 13, lines 55-62]; the playback device is operative to enable the information content sources interface by tuning the tunable receiver to a channel associated with the information content source identifier a the time identified by the time-stamp (Logan teaches utilizing a browser in order to select advertisements as well as audio data [see Logan, Col. 35, lines 40-55]. By this rationale **claim 14** is rejected.

52. Regarding **claim 15**, Logan-well known discloses *wherein the information content source interface is a tunable receiver* [see Logan, Col. 13, lines 48-54] *and the content programming information comprises an information content source identifier and timestamp* (Logan teaches a program ID), [see Logan, Col. 13, lines 55-62]; the playback device is operative to enable the information content sources interface by tuning the tunable receiver to a channel associated with the information content source identifier a the time identified by the time-stamp (Logan teaches utilizing a browser in order to select advertisements as well as audio data [see Logan, Col. 35, lines 40-55]. By this rationale **claim 15** is rejected.

53. Regarding **claim 16**, Logan-well known discloses *wherein the mobile-content server further comprises an advertising database for storing advertisement segments, the mobile-content server is further operative to deliver selected advertisement segments to the*



Art Unit: 2143

*playback device, the selected advertisement segments being selected from the advertising database [see Logan, Col. 5, lines 33-45, Col. 16, lines 6-67 and Col. 17, lines 1-18], and wherein the processing unit of playback device, prior to storing the information content into the memory storage unit, is further operative to; and interleave the selected advertisement segments with the one or more content segments [see Logan, Col. 4, lines 53-67 and Col. 5, lines 1-32].*

However, Logan does not explicitly disclose wherein the processing unit of the playback device, prior to storing the information content into the memory storage unit, is further operative to converts the information content into one or more content segments. Eventhough, Logan does disclose the client platform doing the conversion, which requires less data to transmit fro the server to the client. Therefore, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated the use of the server doing the conversion as this would allow the playback device to do less processing and thus provide a faster conversion process. By this rationale **claim 16** is rejected.

54. Regarding **claim 21**, Logan discloses the invention substantially as claimed. However, Logan does not explicitly disclose wherein prior to providing the information content to the audio output, the processing unit is operative to convert the information content into one or more content segments. Eventhough, Logan does disclose the client platform doing the conversion, which requires less data to transmit fro the server to the client. Therefore, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated the use of the server doing the conversion as this would allow the playback device to do less processing and thus provide a faster conversion process. By this rationale **claim 21** is rejected.

Art Unit: 2143

55. Regarding **claim 24**, Logan discloses *wherein the information content source interface is a tunable receiver and the content programming information comprises an information content source identifier and a timestamp and the playback device is operative to enable the information content source interface by tuning to a channel associated with the information content source identifier at the time identified by the time-stamp* [substantially the same as that of claim 14]. By this rationale **claim 24** is rejected.

56. Regarding **claim 25**, Logan discloses *wherein the information content source interface is a tunable receiver and the content programming information comprises an information content source identifier and a timestamp and the playback device is operative to enable the information content source interface by tuning the tunable receiver to a channel associated with the information content source identifier at the time identified by the time-stamp* [substantially the same as claims 14]. By this rationale **claim 25** is rejected.

57. Regarding **claim 26**, Logan discloses *wherein the mobile-content server further comprises an advertising database for storing advertisement segments, the mobile-content server is further operative to deliver selected advertisement segments to the playback device via the playback device interface, the selected advertisement segments being selected from the advertising database* [see Logan, Col. 5, lines 33-45, Col. 16, lines 6-67 and Col. 17, lines 1-18], *and wherein the processing unit of the playback device, in conjunction with providing the information content to the audio output, is further operative to: convert the information content into one or more content segments* [see Logan, Col. 3, lines 35-40]; *and interleave the selected advertisement segments with the one or more content segments* [see Logan, Col. 4, lines 53-67 and Col. 5, lines 1-32]. By this rationale **claim 26** is rejected.

Art Unit: 2143

58. Regarding **claim 27**, Logan discloses *wherein the mobile-content server further comprises an advertising database for storing advertisement segments, the mobile-content server is further operative to deliver selected advertisement segments to the playback device via the playback device interface, the selected advertisement segments being selected from the advertising database* [see Logan, Col. 5, lines 33-45, Col. 16, lines 6-67 and Col. 17, lines 1-18], *and wherein the processing unit of playback device, prior to providing the information content to the audio output, is further operative to: convert the information content into one or more content segments* [see Logan, Col. 5, lines 33-45, Col. 16, lines 6-67 and Col. 17, lines 1-18]; *and interleave the selected advertisement segments with the one or more content segments* [see Logan, Col. 4, lines 53-67 and Col. 5, lines 1-32]. By this rationale **claim 27** is rejected.

59. Regarding **claim 34**, Logan discloses *wherein the information content source interface is a tunable receiver* [see rejection of claims 24-27, supra] *and the content programming information comprises an information content source identifier, a time-stamp and a time duration, and the playback device is operative to enable the information content source interface by tuning to a channel associated with the information content source identifier at the time identified by the time-stamp, and the playback device is operative to receive information content transmitted from the information source for the time duration*. By this rationale **claim 34** is rejected.

Regarding **claim 39**, Logan discloses *wherein the mobile-content server and the playback device are included within a single device* [well known in the art]. By this rationale **claim 39** is rejected.

Art Unit: 2143

Regarding **claim 40**, Logan discloses *wherein the playback device includes a tunable receiver [see Logan, Col. 13, lines 47-54] and the content information identifies a channel, a start-time and an end-time*. By this rationale **claim 40** is rejected.

Regarding **claim 41**, Logan discloses *wherein the playback device includes a tunable receiver and the content information identifies a channel, a start-time and a duration [see rejection of claims 1 and 40, supra]*. By this rationale **claim 41** is rejected.

60. Regarding **claims 43-44**, Logan discloses *wherein prior to storing the information content into the memory storage unit, the processing unit is operative to convert the information content into one or more content segments [substantially the same as that of claim 13]*. By this rationale **claims 43-44** is rejected.

61. Regarding **claim 45**, Logan discloses *wherein the information content source interface is a tunable receiver and the content programming information comprises an information content source identifier and a time-stamp and the playback device is operative to enable the information content source interface by tuning to a channel associated with the information content source identifier at the time identified by the time-stamp [substantially the same as that of claims 13]*. By this rationale **claim 45** is rejected.

62. Regarding **claim 79**, Logan discloses *wherein the mobile-content server interface is a USB interface* (The Examiner takes Official Notice (MPEP 2144.03)) that this particular limitation was well known in the art at the time the invention was made. By this rationale **claim 79** is rejected.

63. Regarding **claim 83**, Logan discloses *wherein the mobile-content server interface is an interface to a flash memory card [well known in the art]*. By this rationale **claim 83** is rejected.

Art Unit: 2143

64. Regarding **claim 86**, Logan discloses *wherein the mobile-content server interface and the information content source interface are the same* [well known in the art]. By this rationale **claim 86** is rejected.

*Claim Rejections - 35 USC § 103*

65. **Claims 37, 38, 75, 76** are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan in view of Kolls, U.S. Patent No. 6,601,040.

66. Regarding **claim 37**, Logan discloses the invention substantially as claimed. However, Logan does not explicitly disclose *wherein the playback device interface and the mobile-content server interface are pager interfaces* [see Koll, Col. 49, lines 36-54].

67. In the same field of endeavor, Koll discloses (e.g., electronic commerce terminal for wireless communicating to a plurality of communication devices). Koll discloses *wherein the playback device interface and the mobile-content server interface are pager interfaces* [see Koll, Col. 49, lines 36-54].

68. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Kolls' teachings of an electronic commerce terminal for wireless communicating to a plurality of communication devices with the teachings of Logan, for the purpose of providing access and synchronized portable and fixed data resources, network resources, as well as Internet resources and content while transacting business in public places [see Koll, Col. 3, lines 49-52]. By this rationale **claim 37** is rejected.

69. Regarding **claim 38**, Logan-Koll discloses *wherein the playback device interface and the mobile-content server interface are Bluetooth interfaces* [see Koll, Col. 14, lines 50-67]. By this rationale **claim 38** is rejected.

Art Unit: 2143

70. Regarding **claim 75**, Logan-Koll *discloses wherein the mobile-content server interface is a pager interface* [see Koll, Col. 49, lines 36-54]. By this rationale **claim 75** is rejected.

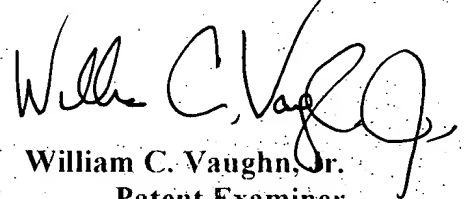
71. Regarding **claim 76**, Logan-Koll *discloses wherein the mobile-content server interface is a Bluetooth interface* [see Koll, Col. 14, lines 50-67]. By this rationale **claim 76** is rejected.

### *Conclusion*

72. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (703) 306-9129. The examiner can normally be reached on 8:00-6:00, 1st and 2nd Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.



William C. Vaughn, Jr.  
Patent Examiner  
Art Unit 2143  
22 December 2003